

4



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/174,804	10/19/98	MORROW	D WARR-0127-R

BROOKS & KUSHMAN
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075

QM11/0216

EXAMINER

GRIEB, W

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED:

02/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/174,804

Applicant(s)

MORROW ET AL

Examiner

GRIEB

Group Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on FEBRUARY 3, 1999.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-74 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-74 is/are rejected.
- ☐ Claim(s) _____ is/are objected to:
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 3711

Receipt of the preliminary amendment and Information Disclosure Statement filed February 3, 1999 is acknowledged.

The drawing has been approved by the Official Draftsperson.

The offer to surrender the original Letters Patent is acknowledged.

The application is objected to because the certificate under 37 CFR 3.73 is lacking. Although box 1 on the Reissue Application paper has been checked, no certificate can be found in the file.

The declaration is defective because the serial number of the application referred to in the paragraph describing the "error" is mis-cited.

A supplemental declaration giving the correct serial number, and also the current patent number, is required.

Claims 1-74 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Claims 1-74 will be allowable upon the filing of a correct supplemental declaration and submission of a proper statement under 37 CFR 3.73(b).

Application/Control Number: 09/174,804

Page 3

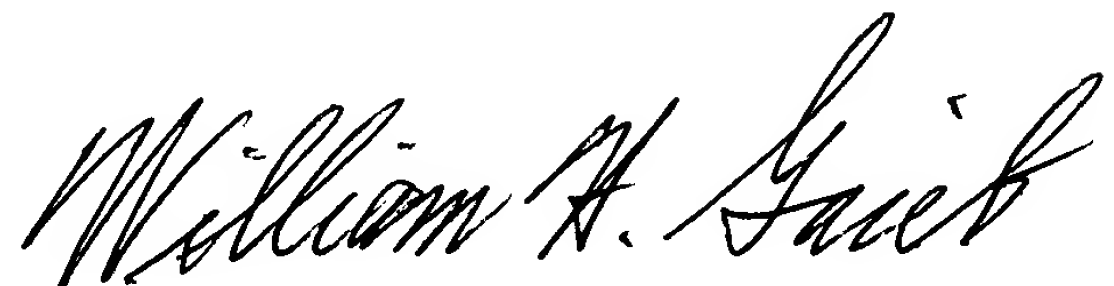
Art Unit: 3711

The reference cited on the PTO-1449 has been considered. It is of interest only.

Applicants' parent patent and the prior design patent are being cited on the PTO-892.

Copies are not being furnished because they are known to applicants.

Any inquiry concerning this communication should be directed to William Grieb at
telephone number (703) 308-3549.

A handwritten signature in black ink, reading "William H. Grieb". The signature is written in a cursive, flowing style with a large initial 'W' and a prominent 'G'.

William H. Grieb
Primary Examiner